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18
19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 SERVICE EMPLOYEES) CASE NO. 09-CV-0404 WHA (MEJ)
22 INTERNATIONAL UNION, *et al.*,)
23 Plaintiffs,) STIPULATION AND ~~PROPOSED~~
24 v.) ORDER RESOLVING PLAINTIFFS'
25 SAL ROSELLI, *et al.*,) REQUEST REGARDING 17 BOXES
26 Defendants.) RETURNED TO PLAINTIFFS
27
28 _____)
) Judge: Hon. William H. Alsup
) Trial Date: March 22, 2010
) Time: 7:30 a.m.
) Courtroom: 9

STIPULATION

IT IS HEREBY STIPULATED by and between the undersigned counsel for all parties, that they have agreed to the following resolution of the plaintiffs' emergency request filed on March 15, 2010, regarding the return of 17 boxes containing UHW property, including but not limited to bargaining and grievance files ("the 17 boxes"), without the need for an evidentiary hearing:

6 1. The Court will put the 17 boxes on the table in the courtroom and explain at an
7 appropriate point in the trial to the jury that the law firm representing the former UHW officer and
8 employee defendants informed counsel for the plaintiffs for the first time on March 14, 2010, that
9 the firm had come into possession of 17 boxes of UHW materials. The firm then made the boxes
10 available to counsel for the plaintiffs on the following day. The Court will instruct the jury that it
11 may consider these as facts in deciding the case.

12 2. Counsel for the plaintiffs and/or counsel for the former UHW officer and employee
13 defendants may elicit testimony from the former UHW officer and employee defendants as to their
14 knowledge of the return of the materials in the 17 boxes. Counsel for any party can present
15 evidence as to the contents of the boxes without limitation.

16 3. Under no circumstances may counsel for any party elicit testimony from any
17 witness, including but not limited to UHW and/or NUHW members, members of the law firm of
18 Siegel & Yee, or investigators, concerning the investigation and/or other circumstances
19 that led to the return of the 17 boxes

IT IS SO STIPULATED.

Dated: March 18, 2010

ALTSHULER BERZON LLP
BREDHOFF & KAISER, PLLC
JAMES & HOFFMAN, P.C.
ROTHNER SEGALL, GREENSTONE & LEHENY

By: /s/ Jeffrey B. Demain
Jeffrey B. Demain

Attorneys for Plaintiffs

1 Dated: March 18, 2010.

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8 Dated: March 18, 2010.

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14 Dated: March 18, 2010.

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18 By: /s/ Kathleen Cahill Slaught
19 Kathleen Cahill Slaught

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[PROPOSED] ORDER

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 Dated: March 19, 2010.

